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KEN HIATT, and MICHAEL WEBB

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

MICHAEL BISCH, an individual,  
  
Plaintiff,

vs.

COUNTY OF YOLO, CALIFORNIA, a public  
corporation; CITY OF WEST SACRAMENTO, a  
public corporation; CITY OF DAVIS, a public  
corporation; CITY OF WOODLAND, a public  
corporation; ANGEL BARAJAS, an individual;  
OSCAR VILLEGAS, an individual; CHAD  
RINDE, an individual; AARON LAUREL, an  
individual; KEN HIATT, an individual;  
MICHAEL WEBB, an individual; DONALD  
SAYLOR, an individual; and DOES 1 through 50,  
inclusive,

Defendants.

Case No.: 2:23-cv-00455-MCE-DB

**SEVENTH JOINT STATUS REPORT**

**JOINT STATUS REPORT**

Pursuant to this Court's Minute Order entered on October 20, 2023 (ECF Dkt. No. 22), Plaintiff and Defendants hereby submit the following Seventh Joint Status Report to the Court.

**I. Plaintiff's Report**

Plaintiff's Report is divided into two sections. **Section A** summarizes events since the last report, and **Section B** summarizes Plaintiff's recommendations as to next steps upon lifting of the stay.

**A. Events Since Last Status Report:**

The following events have occurred in the state court matter since the filing of the last Status Report on April 19, 2024 (Dkt. No. 30):

1. Yolo Superior Court Judge Samuel McAdam issued an order on the question of sanctions against Michael Indrajana and Sanjiv Singh, on the issue of the discovery motion, and the issue of the confidentiality of the Zoom recording of the April 27, 2022 Board Meeting. The order was issued on May 6, 2024 and mailed to the parties by U.S. Mail (i.e. it was not electronically issued.) It:
  - a. Denied sanctions against Michael Indrajana and Sanjiv Singh concluding that the imposition of sanctions would be unjust.
  - b. Denied the discovery motion, but the parties had agreed to narrow issues prior to the hearing before Judge McAdams (at the request and instruction of Judge McAdams to try to do so.) Yolo Food Bank essentially changed its position and is allowing the Zoom recording to be used at depositions and the issue of the legality is being tabled. It therefore can now be used in this matter without threat of sanctions against Mr. Singh and Mr. Indrajana.
  - c. Denied the motion to provisionally seal the Zoom recording and did not adjudicate on the ultimate issue of whether the recording should remain confidential or not. This will not be a problem or impediment for discovery to move forward in this matter because the Zoom recording can be filed under seal until the ultimate issue of confidentiality is adjudicated in state court or federal court.

1 d. Did not exercise any sua sponte authority in connection with the allegation of the  
2 altered text messages and prima facie evidence presented to the state court as  
3 such.

4 2. There are now material questions, in view of the Verified Statement filed by Plaintiff  
5 Bisch and his counsel against Judge David Rosenberg, as to what happened in the Yolo  
6 County Superior Court of California in connection with the state court case and prior to  
7 that case dating back all the way to March 2022. Claims regarding the events in the court  
8 system were submitted on April 22, 2024 as part of administrative complaints filed by  
9 Mr. Singh, Mr. Indrajana, and Mr. Bisch; the complaints were apparently forwarded to  
10 the Judicial Council. The Council did not contact Mr. Singh, Mr. Indrajana, or Mr. Bisch  
11 as to what each of them experienced in the Yolo County Superior Court, and instead  
12 issued rapidly a summary rejection of all complaints, without details, on May 6, 2024.  
13 The Judicial Council rejected the complaint through a nonspecific rejection without any  
14 material details on or about the same day that Judge Macadams issued his order and sent  
15 the rejection by U.S. Mail to Mr. Singh, Mr. Indrajana and Mr. Bisch. Mr. Bisch, Mr.  
16 Singh, and Mr. Indrajana are currently considering next steps in connection with these  
17 issues. Any issues in connection with this administrative complaint will not impede this  
18 Court in its decision to reopen the case and discovery. If future investigation reveals  
19 actions by the state court or any of its agents which are alleged to have deprived Michael  
20 Bisch and/or his counsel of due process, there will likely be a related federal court case  
21 that will have to be filed. (Shortly after the filing of the administrative complaint, Mr.  
22 Singh, Mr. Indrajana and Mr. Bisch issued a public records request to investigate the  
23 events that transpired with Judge Rosenberg and the parties in the state court case; the  
24 request was summarily denied based on Yolo County's position that they are not required  
25 to disclose documents when there is a pending complaint.)

26 **B. Plaintiff's Recommendations for Next Steps Upon Lifting Of Stay:**

27 It is reasonably anticipated that this Court will lift the stay upon receipt and understanding of  
28 the contents of this Joint Status Report. Plaintiff believes that the parties should meet and confer as  
to next steps for discovery and appropriate Rule 26 disclosures. Defendants had resisted the

1 commencement of discovery when they filed their first motions to strike which were dismissed  
 2 without prejudice, but then took the position that Plaintiff was somehow tying their hands with the  
 3 stay—which stay was ordered *sua sponte* by this Court (Dkt. No. 21), not by motion of Plaintiff. As  
 4 such, Plaintiff should be able to move forward with the normal course of discovery in federal court.  
 5 Defendants should not be allowed to simply refile motions to strike and then request a hold on  
 6 discovery while the motions are pending (which is precisely what Defendants’ counsel did before).  
 7 If Defendants choose to simply refile their motions, Plaintiff believes it is inappropriate but, in such  
 8 event, it should be clarified for Defendants that they should have to move forward with responding  
 9 to required discovery regardless of their decision to immediately file motions to strike upon lifting of  
 10 the stay. Plaintiff still questions how Defendants could simply refile such motions in good faith but  
 11 leaves that issue for another day.

## 12 **II. Defendants’ Comment/Response**

13 Defendants concur with a release of the stay.

14 Defendants dispute Plaintiff’s representation as to Defendants’ prior position on discovery.  
 15 The anti-SLAPP motion does not stay discovery in federal proceedings as it does in state court.  
 16 However, any extensive discovery prior to the resolution of Defendants’ challenge to the pleadings  
 17 is likely to be a waste of resources as the scope of the action remains unclear. Defendants anticipate  
 18 refiling its motions once the stay is lifted.

19 Dated: May 20, 2024

20 Respectfully Submitted,

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 22 CORPORATION

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 24 Sanjiv N. Singh

25 Attorneys for Plaintiff Michael Bisch

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28 By: /s/ Michael B. Indrajana  
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